

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

RES2019-046

4
5
6 **A RESOLUTION ENHANCING OPERATIONAL EFFICIENCY AND ALLOWING FOR**
7 **FLEXIBILITY IN THE COMPOSITION OF THE DEVELOPMENT IMPACT FEE**
8 **ADVISORY COMMITTEE FOR THE CITY OF SOUTH FULTON AND FOR OTHER**
9 **LAWFUL PURPOSES**

10
11 **(Sponsored by Councilperson Gilyard)**

12
13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the Mayor and Council ("City Council") is the duly elected governing
17 authority of the City;

18
19 **WHEREAS**, O.C.G.A. § 36-71-5 establishes protocols for the composition of a
20 Development Impact Fee Advisory Committee;

21
22 **WHEREAS**, O.C.G.A. § 36-71-5(b) requires that the Development Impact Fee
23 Advisory Committee be composed of not less than five nor more than ten members
24 appointed by the City Council and that at least 50 percent of its membership be
25 representatives from the development, building, or real estate industries;

26
27 **WHEREAS**, O.C.G.A. § 36-71-5(b) authorizes an existing committee of the City
28 to serve as the Development Impact Fee Advisory Committee provided that its
29 membership meets the statutory membership requirements of a Development Impact
30 Fee Advisory Committee;

31
32 **WHEREAS**, the City desires for the City Zoning Board of Appeals to serve as the
33 City's Development Impact Fee Advisory Committee as set forth herein; and

34
35 **WHEREAS**, the City finds this Resolution to be in the best interests of the City.

36
37 **THEREFORE, IT IS NOW RESOLVED BY THE COUNCIL OF THE CITY OF**
38 **SOUTH FULTON, GEORGIA**, as follows:

39 **Section 1.**

- 40
41 **a. Establishment of Development Impact Fee Advisory Committee.** The City of
42 South Fulton Development Impact Fee Advisory Committee shall consist of not less
43 than five nor more than eight serving members of the City Zoning Board of Appeals
44 ("ZBA"), which is itself comprised of eight members appointed by the City Council.

The Committee shall serve in an advisory capacity to assist and advise the City Council with regard to the adoption of a development impact fee ordinance.

b. Composition. ZBA members with experience in development, building, or real estate industries are automatically designated to serve on the Impact Fee Advisory Committee. The Director of Community Development Services shall appoint additional ZBA members without such backgrounds to serve on the Impact Fee Advisory Committee, up to the amount necessary to ensure that at least 50 percent of the membership is comprised of representatives from the development, building, or real estate industries. The Director of Community Development Services shall maintain a list of current serving Impact Fee Advisory Committee members.

a. Instruction to Director of Community Development Services: The Director of Community Development Services shall notified the City Council if the requested appointment or replacement of a member of the ZBA will result in less than 50 percent of Impact Fee Advisory Committee membership consisting of representatives from the development, building, or real estate industries.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.


(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the city clerk.

84 **Section 4.** The effective date of this Resolution shall be the date of adoption, unless
85 provided otherwise by the City Charter or state and/or federal law.
86
87

88
89 THIS RESOLUTION adopted this 10th day of September 2019.
90

91 **CITY OF SOUTH FULTON, GEORGIA**
92

93
94 
95 _____
96 WILLIAM "BILL" EDWARDS, MAYOR
97

98
99 ATTEST:

100
101 
102 _____
103 S. DIANE WHITE, CITY CLERK
104

105
106 APPROVED AS TO FORM:

107
108 
109 _____
110 EMILIA C. WALKER, CITY ATTORNEY
111



112 The foregoing RESOLUTION No. 2019-046, adopted on September 10, 2019
113 was offered by Councilmember Gilyard, who moved its approval. The motion was
114 seconded by Councilmember Jackson, and being put to a vote, the result was as
115 follows:
116

	AYE	NAY
117		
118		
119 William "Bill" Edwards, Mayor	<u> X </u>	<u> </u>
120 Mark Baker, Mayor Pro Tem	<u> X </u>	<u> </u>
121 Catherine Foster Rowell	<u> X </u>	<u> </u>
122 Carmalitha Lizandra Gumbs	<u> X </u>	<u> </u>
123 Helen Zenobia Willis	<u> X </u>	<u> </u>
124 Gertrude Naeema Gilyard	<u> X </u>	<u> </u>
125 Rosie Jackson	<u> X </u>	<u> </u>
126 khalid kamau	<u> </u>	<u> X </u>
127		
128		